Secrt. II–37—100,000—27-5-25.

D.25 (195) Department.

Mc SERIES.

G.O. No. 888

28. 2. 1907.

Dated

[Despatch Abstract.]

Mines — Mineral concessions Rules working of — Instructions issued.

GOVERNMENT OF MADRAS.
ABSTRACT.

Mines - Mineral Concessions Rules - Working of - Instructions issued.

Development Department.

G.O.Ms.No.888. Dated 28th February 1951.
Read the following:-

From the Collector of Kurnool, Rc.B.7-13937/50, dated 20-9-1950 and dated 5.1.1951.
From the Board of Revenue, Ref.No.L.6448/50-1, dated 21-11-1950 and Ref.No.6428/50-3, dated 6-1-1951.

O R D E R:

The Collector of Kurnool has raised the following points in the working of the Mineral Concessions Rules 1949, for elucidation and orders:-

(i) whether after the Government's sanction is received, the Collector can proceed in the matter of execution of licences and leases and of the collection of stamp duty, stamp paper and other sums and transact such other business as may be required under the Mineral Concessions Rules;

(ii) what further action should be taken before the licence and lease deeds are executed;

(iii) whether under rules 21 and 34 of the Mineral Concessions Rules , a fee may be collected for inspection of registers maintained in his office and if so how much;

(iv) whether the Collector can sanction refund of security deposits etc. after the expiration of the period of licence of lease or on its surrender, in respect of the prospecting licences and mining leases granted under the old rules;

(v) whether under the Mineral Concessions Rules, charges for surveying the areas applied for on prospecting licences have to be collected;

(vi) whether the Rules in Chapter VI of the Madras Mining Manual can be enforced in respect of Prospecting Licences and Mining Licences sanctioned under the Mineral Concessions Rules;

(vii) whether the Rules in the Mining Manual can be applied in respect of matters not provided for in the Mineral Concessions Rules.

2. The Government have examined these points and proceed to issue the following instructions:—

(a) Point (i)

In G.O.No.648, Public (Reforms), dated 1.4.1937, Collectors have already been authorised to execute exploring and prospecting licences and all mining and other leases whether as lessor or as lessee not therein otherwise provided. This authorisation still holds good under Article 299 (I) of the

Constitution of India. The Collection of Stamp duty, stamp paper, security deposit etc, is only contingent on the execution and registration of such deeds. The Collector, as the authority competent to receive applications for mineral concessions including certificates of approval, is expected to see that the ~~practice~~ prescribed payments such as application fee, initial deposit etc., are if any collected with the applications. The collection of the other sums due under the Rules viz. prospecting fee, royalty, dead-rent and surface rent, devolves on the Revenue collecting Authorities, they being items of State revenue derived from the land. No special authorisation to the Collector to continue performing these duties, will be necessary.

The model forms licence and lease deeds to be adopted under the Mineral Concessions Rules will be finalised soon. Some of the clauses in the deeds to be executed specially empower Collectors in matters specified in those clauses. As regards the other conditions and stipulations in the licence or lease, the Collector as the authority executing the deeds on behalf of the Government are expected to see to their observance or fulfilment. In short, the authority competent to enforce the conditions of the licence or lease is the Collector.

With a view to place this question beyond doubt, His Excellency the Governor of Madras hereby authorise the Collectors of districts to take such suitable action as is necessary for the enforcement and observance of the conditions of prospecting licences and mining leases granted in their districts and to see to the proper working of the mines in accordance with the Rules and the conditions of the agreement.

(b) Point (ii) Soon after the receipt of the sanction of the Government granting a prospecting licence or a mining lease, arrangements should be made to have the area to be licensed or leased surveyed and demarcated, so that it may be handed over to the licensee or the lessee as the case may be, as soon as the deed is executed. If the site had been originally surveyed and demarcated even at the time of application, a verification should be made to see that the demarcations previously made are correct and are intact before the land is handed over to the party. This item of work need not be held over till after the execution of the deed.

(c) Point (iii): Rules 20 and 30 of the Mineral Concessions Rules clearly state that the registers of prospecting licences and mining leases should be maintained by the Government. The Collector may however maintain such registers for purposes of ready reference in his office, but, these registers should not be made available for inspection by the public. Orders prescribing the fee for inspecting the registers maintained by the Government will issue separately.

(d) Point (iv): After the expiry of the period of lease, the security deposit orginally made, may be refunded if the out-going lessee or licensee has conformed to the terms and conditions of the lease or licence and if he has not committed any breach of the covenant. — The Collector may sanction the refund of the deposit in such cases, after verifying that no dues are outstanding against the outgoing licensee or lessee.

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Point (V): Orders on this point will issue separately.

Point (vi): In respect of the prospecting licences and mining leases granted under Mineral Concessions Rules, the old rules in the Madras Mining Manual cannot be applied.

Point (vii): It cannot be said that in any matter not provided for in the Mineral Concessions Rules, the procedure prescribed in the old rules can be adopted. In all cases where the Collector feels any difficulty, he may take the orders of the Government.

(By Order of the etc.)

(Sd.) x x x,
Secretary to Government.

To The Collectors of all districts.
Copy to the Board of Revenue.

/True copy /

R Thiagarajan 27.9.56
Superintendent,
Madras Record Office,
Madras.

gh.21.9.